



NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCES

Attorney Docket No.:  
UCSD1140-1

In re Application of: Barton et al.

Application No: Filed: November 1, 2001  
09/889,251

For: METHODS OF TREATMENT OF  
MITOCHONDRIAL DISORDERS

Group Art Unit: 1614 Examiner: Spivack, P.

Applicants hereby appeal to the Board of Appeals from the decision dated August 5, 2003 of the Examiner rejecting claims 1-6, 8-27, and 66.

1.	<input checked="" type="checkbox"/>	Appeal Fee (37 C.F.R. 1.17(b))	
		other than small entity	\$330.00
	<input checked="" type="checkbox"/>	small entity	\$165.00
		verified statement attached	
		verified statement previously filed on _____ in U.S. Application No. _____	

2.	<input checked="" type="checkbox"/>	A petition and fee for an extension of time for reply to the rejection is attached.	
		Extension Fee (37 C.F.R. 1.17(a))	
		other than small entity	
		\$110.00	\$420.00
	<input checked="" type="checkbox"/>	small entity	\$950.00
		verified statement attached	\$1,480.00
		verified statement previously filed on _____ in U.S. Application No. _____	
		\$55.00	\$210.00
		X	\$475.00
			\$740.00

02/10/2004 DTESEM1 00000134 09889251

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165.00 OP

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3.	X	A check for the sum of \$640.00 is enclosed (\$165.00 Notice of Appeal filing fee and \$475.00 for a Three (3) Month Extension of Time).
4.	X	The Commissioner is hereby authorized to charge any additional fees associated with the filing submitted herewith, or credit any overpayment, to Deposit Account No. 50-1355. A copy of the Transmittal Sheet is enclosed.

2/5/04  
Date

Lisa Haile

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CERTIFICATION UNDER 37 CFR 1.8

I hereby certify that the documents referred to as enclosed herein are being deposited with the United States Postal Service as first class mail on this date February 5, 2004, addressed to: Mail Stop: AF, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

**Cara Grifone**  
(Name of person mailing paper)

*Cara Grifone*  
Signature

February 5, 2004  
Date

RECEIVED  
FEB 12 2004  
TECH CENTER 1600